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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,386	04/23/2001	Yoshihisa Matsubara	NEKA 18.612	2510
26304	7590	12/12/2005	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP			VINH, LAN	
575 MADISON AVENUE			ART UNIT	
NEW YORK, NY 10022-2585			PAPER NUMBER	
			1765	

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action Before the Filing of an Appeal Brief	Application No. 09/840,386	Applicant(s) MATSUBARA ET AL.	
	Examiner Lan Vinh	Art Unit 1765	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): 18.
6. ☒ Newly proposed or amended claim(s) 17 and 18 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) _____ will be) as follows:
Claim(s) allowed: 17 and 18.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 2, 13-16 and 18.
Claim(s) withdrawn from consideration: 4-11.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Lan Vinh
AU 1765



Response to Arguments

1. Applicant's arguments filed 11/28/2005 with respect to the rejection of claims 1, 13-16, 18 under 35 U.S.C 102(e) have been fully considered but they are not persuasive.

The applicants argue that the Examiner's reading of claim 1 robs the claim language of all meaning. In particular, the specification discusses this processing step in detail on page 12, line 5, to page 13, line 4. Part of this portion of the specification states:

The cleaning system is composed of a processing unit 31, which cleans the semiconductor substrate using pure water for cleaning (or an electrically conductive cleaning chemical), and a light source 33, which is arranged to the outside of windows 32 of processing unit 31 and radiates light having a wavelength of 500 nm to less than 1 micron onto processing unit 31". As is apparent from this section of the specification, as well as from the plain meaning of the claim language, the processing step exposes the wiring using a liquid and a light source. This argument is unpersuasive because it is noted that "claims must be given their broadest reasonable interpretation consistent with the supporting description, *In re Hyatt*, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000)" and a closer review of page 12 of the specification reveals the section "and channel wiring 10 is formed on plug electrodes 6 by CMP with its surface exposed. The channel wiring 10 can also be formed using methods other than CMP such as dry etching. The semiconductor substrate is cleaned (processed) using the cleaning system (processing system) shown in Fig. 5", which implies that the wiring is exposed prior to being cleaned (processed), thus, the wiring is not exposed by using a

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liquid and a light source in the cleaning/processing step. Therefore, the claimed limitation of "performing a processing step on a semiconductor substrate on which the upper surface of said wiring is exposed using a liquid applied to said semiconductor substrate and a light source radiating light onto said semiconductor substrate", can be broadly interpreted as applying a liquid and a light source to a semiconductor substrate on which the upper surface of wiring is exposed

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Vinh whose telephone number is 571 272 1471.

The examiner can normally be reached on M-F 8:30-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 571 272 1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

LV

December 8, 2005